

REMARKS

This amendment is in response to the Final Office Action dated March 9, 2009 (the "Final Office Action"). Claims 1, 2, 4-7, 11-15, 17-19, 21-23, 44-50, and 53-55 are pending in the application. Claims 1, 2, 4-7, 11-15, 18, 19, 21, 44, 46-50, and 53-55 have been amended. Claims 45, 51, and 52 have been canceled without prejudice or disclaimer. Claim 56 has been added. No new matter has been added. Support for the claim amendments may be found at least at paragraphs 0036 and 0045.

Applicants have made amendments to the claims based on a telephone interview with Examiner Jamal on April 20, 2009. During the Interview, Examiner Jamal agreed with Applicants that the cited references do not disclose a second memory device that contains only one first virtual machine instruction at any time and do not disclose entering a fast busy tone state and executing a play fast busy tone command when a called party does not respond and entering a voice state, and executing an init vocoder instruction and a send instruction when a response indicates that a called party has answered.

I. Claim Rejections – 35 U.S.C. § 101

Claims 1, 2, 4-7, 11-15, 17-19, 21-23, 44-55 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Final Office Action states, "The claimed subject matter can be implemented and entirely contained within a processor. There is no concrete or real world result, only manipulation of abstract data. Applicant's claimed device is a microprocessor implementing as finite state machine which is, by definition, an abstract set of state. This is non-statutory subject matter and hence is not patentable. Applicant has not drawn the finite state machine to any real world device other than a protocol engine (which is also abstract) implemented entirely inside a virtual machine (processor)." Although Applicants disagree with the Office's assertion that the claims as previously presented were directed to non-statutory subject matter, claim 1 has been amended to recite a telephone gateway device and claim 14 has been amended to include receiving at a telephone gateway device a call at a processor to implement a first telecommunication protocol. Applicants submit that a telephone gateway device, as in claim 1 and 14, is a hardware device. Thus, the currently amended claims are directed to statutory subject matter. Accordingly, Applicants request that the § 101 rejections

be withdrawn.

II. Claim Rejections – 35 U.S.C. § 112

Claims 1, 2, 4-7, 11-15, 17-19, 21-23, 44-55 are rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Final Office Action states, “The independent claims recite a first memory and a second memory. It is not clear what defines a memory or how to distinguish one memory from another. For the purpose of examination the examiner assumes each address location in a memory may be read as a separate memory.” Although Applicants disagree with the Office’s assertion that the claims as previously presented were indefinite, the claims have been amended to replace a “first memory” with a “first memory device” and a “second memory” with a “second memory device.” Thus, the distinction between the first memory device and the second memory device is definite.

In addition, the Final Office Action states, “As per claims 48 and 49, the claims recite that the first memory includes a flash device, and the second memory includes a RAM device. It is again not clear what separates one memory from another as Applicant is already stating in the claims that a ‘first memory device’ may comprise more than just a single flash memory device or RAM memory device. It is not clear what defines a ‘memory’.” Although Applicants disagree with the Office’s assertion that the claims as previously presented were indefinite, claim 48 has been amended to recite the first memory device is a FLASH memory device and claim 49 has been amended to recite the second memory device is a RAM memory device.

In addition, the Final Office Action states, “As per claim 51, it is not clear what exactly defines ‘template state data’ as such it is not clear how one template state data is determined at least partially by another template state data. For the purpose of examination the examiner reads the separate templates (finite state machines) of Moon as being interdependent since they are both implemented by the same processor in the same system.” Although Applicants disagree with the Office’s assertion that claim 51 as previously presented was indefinite, claim 51 has been canceled without prejudice or disclaimer.

Furthermore, the Final Office Action states, “As per claim 53, it is not clear what distinguishes a single ‘virtual machine instruction’.” Although Applicants disagree with the Office’s assertion that claim 53 as previously presented was indefinite, claim 52 from which claim 53 depends has been canceled and claim 53 has been amended to recite that a second

memory device contains only one first virtual machine instruction at any time. Thus, the claims no longer recite subsequent first virtual machine instructions. Accordingly, Applicants request that the § 112 rejections be withdrawn.

III. Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 4-7, 11-15, 17-19, and 21-23 are Allowable

The Office has rejected claims 1, 2, 4-7, 11-15, 17-19, and 21-23, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Application Publication No. 2004/0252703 (“Bullman”). Applicants respectfully traverse the rejections.

The cited portions of Bullman do not disclose or suggest the specific combination of claim 1. For example, the cited portions of Bullman fail to disclose or suggest storing a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 1. In contrast to claim 1, Bullman discloses an application implemented at customer premises equipment that automatically detects an intermediate-layer protocol used at a head end of a DSL connection and configures the DSL modem driver for that protocol. *See* Bullman, Abstract. The application sets the DSL modem driver to one of several possible intermediate-layer protocols for the type (e.g., WAN or LAN) of driver being used and attempts to connect to a server at the head end. *See* Bullman, Abstract. If the application receives a response from the head end of the DSL connection that uses the same intermediate-layer protocol then the settings of that protocol are loaded into the driver. *See* Bullman, Abstract. That is, the entire protocol is loaded into the driver, not just one first virtual machine instruction of a plurality of virtual machine instructions used to implement a telecommunication protocol. Therefore, the cited portions of Bullman do not disclose or suggest storing a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 1. Hence, claim 1 is allowable. Claims 2, 4-7, and 11-13 depend from claim 1. Accordingly, claims 2, 4-7, and 11-13 are allowable, at least by virtue of their dependence from claim 1.

The cited portions of Bullman do not disclose or suggest the specific combination of claim 14. For example, the cited portions of Bullman fail to disclose or suggest entering a voice state and executing an init vocoder instruction and a send instruction when a response from a called party indicates that the called party has answered, as in claim 14. The cited portions of Bullman disclose configuring a DSL modem for a particular protocol but do not disclose that the instructions are executed by the particular protocol when a called party answers. Therefore, the cited portions of Bullman do not disclose or suggest entering a voice state and executing an init vocoder instruction and a send instruction when a response from a called party indicates that the called party has answered, as in claim 14. Hence, claim 14 is allowable. Claims 15, 17-19, and 21-23 depend from claim 14. Accordingly, claims 15, 17-19, and 21-23 are allowable, at least by virtue of their dependence from claim 14.

Claims 1, 2, 4-7, 11-15, 17-19, 21-23, 44, 46-50, 53-55 are Allowable

The Office has rejected claims 1, 2, 4-7, 11-15, 17-19, 21-23, 44-55, under 35 U.S.C. § 103(a), as being unpatentable over Bullman in view of U.S. Patent Application Publication No. 2002/0161907 ("Moon"). Claims 45, 51, and 52 have been canceled without prejudice or disclaimer. Applicants respectfully traverse the remainder of the rejections.

The cited portions of Bullman and Moon, individually or in combination, do not disclose or suggest the specific combination of claim 1. For example, the cited portions of Bullman and Moon fail to disclose or suggest storing a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 1. In contrast to claim 1, Bullman discloses an application implemented at customer premises equipment that automatically detects an intermediate-layer protocol used at a head end of a DSL connection and configures the DSL modem driver for that protocol. *See* Bullman, Abstract. The application sets the DSL modem driver to one of several possible intermediate-layer protocols for the type (e.g., WAN or LAN) of driver being used and attempts to connect to a server at the head end. *See* Bullman, Abstract. If the application receives a response from the head end of the DSL connection that uses the same intermediate-layer protocol then the settings of that protocol are loaded into the driver. *See* Bullman, Abstract. That is, the driver contains the entire protocol, not only one first virtual machine instruction at any time.

Therefore, the cited portions of Bullman do not disclose or suggest storing a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 1.

Moon discloses an adaptive multi-protocol communications system that provides a plurality of single computer interface cards connected to a common backplane. *See* Moon, abstract. Each interface card sends and receives bit streams of a specific application protocol. *See* Moon, Abstract. The interface card feeds the incoming binary stream into a finite state machine dedicated to converting a specific application protocol bit stream into a multi-dimensional matrix representation for a particular communication protocol. *See* Moon, abstract. The system uses finite state machines to convert from the initial communication protocol bit stream to the system's intermediate representation. *See* Moon, abstract. That is, the system receives and converts the entire protocol, not only one first virtual machine instruction at any time. Therefore, the cited portions of Moon do not disclose or suggest storing a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 1.

Therefore, the cited portions of Bullman and Moon, individually or in combination, fail to disclose or suggest the specific combination of claim 1. Hence, claim 1 is allowable. Claims 2, 4-7, 11-13, and 44-50 depend from claim 1. Accordingly, claims 2, 4-7, 11-13, and 44-50 are allowable, at least by virtue of their dependence from claim 1.

The cited portions of Bullman and Moon, individually or in combination, do not disclose or suggest the specific combination of claim 14. For example, the cited portions of Bullman and Moon fail to disclose or suggest entering a voice state and executing an init vocoder instruction and a send instruction when a response from a called party indicates that the called party has answered, as in claim 14. In contrast to claim 14, Bullman discloses an application implemented at customer premises equipment that automatically detects an intermediate-layer protocol used at a head end of a DSL connection and configures the DSL modem driver for that protocol. *See* Bullman, Abstract. The cited portions of Bullman disclose configuring a DSL modem for a particular protocol but do not disclose that the instructions are executed by the particular protocol when a called party answers. Therefore, the cited portions of Bullman do not disclose or suggest

entering a voice state and executing an init vocoder instruction and a send instruction when a response from a called party indicates that the called party has answered, as in claim 14.

Moon discloses an adaptive multi-protocol communications system that provides a plurality of single computer interface cards connected to a common backplane or interconnect. Each interface card sends and receives bit streams of a specific application protocol, exchanging data between differing application protocols. The system uses finite state machines to convert from the initial communication protocol bit stream to the system's intermediate representation. *See* Moon, Abstract. The cited portions of Moon disclose converting a received protocol into an intermediate representation but do not disclose that the instructions are executed by the received protocol or the intermediate representation when a called party answers. Therefore, the cited portions of Moon do not disclose or suggest entering a voice state and executing an init vocoder instruction and a send instruction when a response from a called party indicates that the called party has answered, as in claim 14.

Therefore, the cited portions of Bullman and Moon, individually or in combination, fail to disclose or suggest the specific combination of claim 14. Hence, claim 14 is allowable. Claims 15, 17-19, 21-23, and 53-55 depend from claim 14. Accordingly, claims 15, 17-19, 21-23, and 53-55 are allowable, at least by virtue of their dependence from claim 14. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of Bullman and Moon.

For example, the cited portions of Bullman and Moon, individually or in combination, do not disclose or suggest that a second memory device contains only one first virtual machine instruction at any time, as in claim 53. In Moon, an adaptive multi-protocol communications system contains interface cards that send and receive bit streams of a specific application protocol. *See* Moon, abstract. That is, each interface card contains the entire protocol, not only one first virtual machine instruction at any time. For at least this additional reason, claim 53 is allowable.

Claim 56 is Allowable

The cited portions of Bullman and Moon, individually or in combination, do not disclose or suggest the specific combination of claim 56. For example, the cited portions of Bullman and Moon fail to disclose or suggest a processor configured to store a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 56. Bullman discloses an application implemented at customer premises equipment that automatically detects an intermediate-layer protocol used at a head end of a DSL connection and configures the DSL modem driver for that protocol. *See* Bullman, Abstract. The application sets the DSL modem driver to one of several possible intermediate-layer protocols for the type (e.g., WAN or LAN) of driver being used and attempts to connect to a server at the head end. *See* Bullman, Abstract. If the application receives a response from the head end of the DSL connection that uses the same intermediate-layer protocol then the settings of that protocol are loaded into the driver. *See* Bullman, Abstract. That is, the driver contains the entire protocol, not only one first virtual machine instruction at any time. Therefore, the cited portions of Bullman do not disclose or suggest a processor configured to store a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 56.

Moon discloses an adaptive multi-protocol communications system that provides a plurality of single computer interface cards connected to a common backplane. *See* Moon, Abstract. Each interface card sends and receives bit streams of a specific application protocol. *See* Moon, abstract. The interface card feeds the incoming binary stream into a finite state machine dedicated to converting a specific application protocol bit stream into a multi-dimensional matrix representation for a particular communication protocol. *See* Moon, abstract. The system uses finite state machines to convert from the initial communication protocol bit stream to the system's intermediate representation. *See* Moon, Abstract. That is, the system receives and converts the entire protocol, not only one first virtual machine instruction at any time. Therefore, the cited portions of Moon do not disclose or suggest a processor configured to store a first virtual machine instruction in a second memory device, where the second memory device contains only one first virtual machine instruction at any time, as in claim 56.

Therefore, the cited portions of Bullman and Moon, individually or in combination, fail to disclose or suggest the specific combination of claim 56. Hence, claim 56 is allowable.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references, applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

5-1-2009
Date



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